

January 28, 2013

**KILMARNOCK TOWN COUNCIL
Monday, January 28, 2012
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

Mayor Booth called the Regular Meeting to order at 7:00 pm with the following Councilmembers present:

Raymond C. Booth, Jr., Mayor
Emerson Gravatt, Vice-Mayor
Shawn Donahue
Rebecca T. Nunn

William L. Smith
Howard Straughan
Mae P. Umphlett

Staff Present:

Tom Saunders, Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Cindy Balderson, Town Clerk
Joan Kent, Transcriber
Michael S. Bedell, Chief of Police

Mayor Booth welcomed Kilmarnock residents, business owners, and guests and then led the recital of the Pledge of Allegiance.

2. Acceptance and Approval of Agenda

ACTION: Councilmember Nunn made a motion to to accept the January 28, 2013 Town Council meeting agenda as presented, seconded by Councilmember Straughan; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of December 17, 2012 Town Council meeting

ACTION: Councilmember Nunn made a motion to accept the December 17, 2012 Town Council meeting minutes as presented, seconded by Councilmember Smith; and carried unanimously.

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4. Public Comments and Presentations:

Mayor Booth invited members of the public to speak on any matter with the exception of scheduled public hearings and to limit their comments to three minutes per person.

There were no public comments.

5. Planning Commission Report: Shawn Donahue, Council Liaison

Mayor Booth read the report from the Planning Commission meeting held on Tuesday, January 8th, 2013. Mayor Booth advised that the Planning Commission discussed Chapter 1 of the Comprehensive Plan, the possible need to revise the Town's sign ordinance, and the Capital Improvement Plan.

6. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from January, 2013

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Nunn advised that Town Manager Saunders reported that although the Town was still waiting for the signed easement agreement, he had received verbal approval to proceed with work on the Waverly Avenue sewer upgrade. Mrs. Nunn said that Bill Rosenbaum reported that he was working with Northern Neck Generator to get an updated quote for the back-up generator at the Wiggins Avenue pump station. Mrs. Nunn stated that Mr. Saunders commented on the continuing problems with grease blocking sewer mains around Town and the need to look at the Town's sewer use ordinances and perhaps adopt a policy regarding grease traps. Mr. Saunders advised the Committee that he would monitor the situation and report back as he developed detailed recommendations. Mrs. Nunn advised that Town Manager Saunders reported that the Town had received a warning letter from DEQ regarding some missing criteria in the monitoring reports. After investigation, Mr. Saunders determined that a new permit requirement to perform some lab tests had been overlooked. Mrs. Nunn advised that the samples had been submitted and the results would be reported to DEQ as soon as they were received. Mrs. Nunn stated that Town Manager Saunders informed the Committee that he and staff were in the process of reviewing the Capital Improvement Project list and would make requests/recommendations to the Committee in time to be considered at the February meeting. Pat Chenoweth, WWTP and Wayne Kent, Utilities reported no issues.

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2) Committee Recommendations to Council

There were no recommendations made to Council.

B. Streets/ Sidewalks/ Playground Committee: Councilmember Donahue, Chair

There was no meeting held.

C. Police/Public Safety Committee: Councilmember Donahue, Chair

There was no meeting held.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

1) Report from January, 2013 meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Umphlett advised that the Committee discussed the current state of the Town's back up and emergency systems. Mrs. Umphlett said that Town Manager Saunders reported that VEPCO was spending \$13 million to upgrade the high voltage line that ran from the Kilmarnock substation on Yorkshire Street well into Richmond County. Mrs. Umphlett finalized by saying that Mr. Saunders would be reviewing the status of equipment relative to the upcoming budget cycle and would report back at the next meeting.

2) Recommendations to Council

There were no recommendations made to Council.

E. Town Centre Committee: Councilmember Straughan, Chair

1) Report from January, 2013 Meeting

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Straughan stated that the Committee reviewed the requested proposals for site planning for the new Town hall and had no specific recommendations at this time.

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2) Committee Recommendations to Council.

There were no recommendations made to Council.

F. Economic Development Committee: Vice-Mayor Gravatt, Chair

1) Report from January, 2013 meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Vice-Mayor Gravatt advised that the key issue discussed during the Committee meeting was the public school system. Mr. Gravatt stated that they debated whether or not they could attract a new business that would employ 25 to 30 people whose children would attend the public schools. Mr. Gravatt advised that the Committee had planned to take a tour of the Intermediate and Primary Schools but had not as of yet. Mr. Gravatt said that the Committee wanted to send a resolution to the School Board and County Board of Supervisors regarding the plan and direction for the school systems. Mr. Gravatt stated that he would get with the Town Manager and Town Attorney for guidance on that matter. Mr. Gravatt advised that the Chamber of Commerce had moved downtown close to the ABC store.

2) Committee Recommendations to Council

There were no recommendations made to Council.

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from January, 2013 meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Smith was absent from the meeting and the report was given by Town Manager Saunders.

Town Manager Saunders advised that the Committee expressed condolences to Assistant Town Manager Susan Cockrell and Treasurer Judy Stevens, who both lost a parent on January 2. Mr. Saunders stated that copies of the FY12 Auditor's report were distributed. The Committee also discussed the Town's current policy of creating near verbatim transcripts of its meetings minutes which resulted in an action item. Mr. Saunders said that the Town would be moving to a PC/Windows/Java based financial software package as of April 1, 2013 and added that staff had already participated in a conference call and were very pleased. Mr. Saunders finalized by saying that the Committee reviewed a

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preliminary budget development schedule and encouraged him to continue the process with all deliberate speed.

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from December 18, 2012 to January 28, 2013 totaling \$220,973.90

ACTION: Councilmember Smith made a motion to approve the disbursements from December 18, 2012 to January 28, 2013 in the amount of \$220,973.90, seconded by Vice-Mayor Gravatt; and carried unanimously.

b. Recommend that Council adopt summary minutes backed up by audio and video recordings.

ACTION: Councilmember Nunn made the motion to adopt summary minutes backed up by audio and video, seconded by Councilmember Straughan;

DISCUSSION:

Councilmember Smith asked if the Planning Commission meetings were being videotaped because the motion implied that they would need to be in the future.

Councilmember Donahue wanted to know what the Town was going to do about the hearing impaired if the transcriptions of the meetings were done away with.

Town Attorney Stamm stated that if the Town received a FOIA request from someone who was hearing impaired then they would fulfill the request if they had the means. In other words, Mr. Stamm said that they would do the minutes like they had been doing them.

Town Manager Saunders asked Council if they did decide on making this transition could they possibly give him a couple of months to gear up and get ready for the change.

Mayor Booth advised that he didn't think that it should ever be done and passed the gavel to Vice-Mayor Gravatt so that he could make some brief comments.

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Vice-Mayor Gravatt stated that he wanted to make a brief comment and advised that most board meetings didn't have in the minutes every word that was said. Mr. Gravatt said that most minutes had the subject or issue and the reflection of the discussion and the vote. Mr. Gravatt stated that he didn't serve on any other board whereas the minutes reflected what everyone had said.

Mayor Booth stated that he first wanted to compliment the current clerk and transcriber who did a wonderful job and knew it was difficult to take the information off of the tape and get everything right every time referring to a recent occurrence when the transcriber and clerk had not attended the meeting. Mr. Booth said that he shared Mr. Donahue's concerns regarding the hearing impaired. Mr. Booth didn't feel that an audio tape was as accessible as written minutes or transcriptions of the meetings. Mr. Booth thought that in the pursuit of open government it made sense. Mr. Booth stated that if they went to summary minutes and steered away from word for word then it fell on staff members to provide the summation and lended itself to the minutes being less accurate because they were not word for word. Mr. Booth added that there was a potential for bias by the person who kept the minutes by entering into a summation. Mr. Booth advised that quite frankly he was uncomfortable with it. Mr. Booth said that he knew that in committee meetings summary minutes were provided by staff but he was not comfortable with his comments being summarized during Council meetings. Mr. Booth said that he just wanted to state respectfully for the record that if they moved away from transcriptions of the minutes then they were moving away from open government and readily and easily providing information to the public which he felt was their job to do.

Councilmember Straughan stated that he disagreed with Mayor Booth's statements because every board he had served on had summary minutes done by an employee of the organization. Mr. Straughan said that they generally had a month to read them and make any correction. Mr. Straughan stated that he proposed that they go to summary minutes.

Councilmember Nunn advised that transcriptions of the meetings were not required by the Town or State Code. Mrs. Nunn recalled that the transcription of meetings got started during the time that Wal-Mart was coming to Kilmarnock and Mayor Robertson wanted a complete transcript because people were saying one thing and then another. Mrs. Nunn said that not only did they have an audio tape but a video tape as well whereas everything could be seen and heard. Mrs. Nunn said that a total transcript was a waste of time. Mrs. Nunn commented that they weren't called hours but minutes, which was a summary.

Mayor Booth asked how readily available would staff be to make the video tapes available to the public. Mr. Booth said that tapes in his opinion rendered the information less readily available but if they moved in that direction he wanted some assurance that a real effort would be made to provide citizens with these tapes.

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Councilmember Nunn stated that the person could get the audio tape and listen to it.

Town Manager Saunders advised that he could come back with a report on how he would handle that. Mr. Saunders said that as of right now he had no way of duplicating the audio or video tapes.

Councilmember Nunn advised that they could look at the video tapes at the Town Office or go to the Mayoral Achieves.

Mayor Booth advised that they could as soon as they were organized. Mr. Booth asked Town Manager Saunders if someone came into the office and wanted to see the video tape from a year ago could that person be accommodated.

Town Manager Saunders advised that at this time he had no way of playing back the videos. Mr. Saunders said that it was not a problem to get the machinery but they just had not purchased it yet. Mr. Saunders hoped that in the future they would convert the videos to a file on the website whereas anyone in the world could watch the meetings.

Mayor Booth stated that he had passed the gavel to Vice-Mayor Gravatt and therefore it was his duty to carry the motion out.

Before the Vice-Mayor did so, Councilmember Smith stated that the reason this issue went from Council last month to Admin/Finance was because now that they had the audio and video what they were receiving today was transcriptions and not minutes which were not necessary. Mr. Smith said that if they wanted transcripts each month they could continue to get those but technically they were approving minutes each month and by definition that was not what they were receiving. Mr. Smith said that they just needed to figure out what it was that they wanted. Mr. Smith advised that in his opinion with the backup of the audio and video they did not need verbatim transcripts as well.

Vice-Mayor Gravatt called for the vote which was unanimous.

Mayor Booth asked for the gavel back from Vice-Mayor Gravatt and was denied.

Councilmember Nunn advised that once the gavel was passed, it did not have to be given back according to Robert's Rules of Order.

Mayor Booth commented that he needed a break anyway.

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7. Old Business

Vice-Mayor Gravatt reported that Mr. Bob Wille was seated in the audience and had attended the Town Centre Committee meeting. Mr. Gravatt advised that Mr. Wille brought to their attention that when they purchased the Town lot that it would remain an open area and would not be developed. Mr. Gravatt said that Town Manager Saunders was going to look for those minutes and thought they dated back to 1997.

Former Councilmember Paul Jones spoke from the audience and advised that it was 2002.

Town Manager Saunders advised that he had not had the time to look for the minutes.

Vice-Mayor Gravatt advised that they were not ready to proceed on any piece of property anyway but noted that this needed to be resolved.

Councilmember Nunn told Mr. Wille that they were very grateful that he came forward because they were not aware of that.

Vice-Mayor Gravatt asked Mr. Wille to please attend the next Committee meeting if possible.

8. New Business

There was no discussion held under New Business.

9. Comments

A. Town Attorney- Paul C. Stamm, Jr.

There were no comments.

B. Mayor- Raymond C. Booth, Jr.

There were no comments.

C. Council

There were no comments.

D. Town Manager – Tom Saunders

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Town Manager Saunders wanted to say thanks on behalf of Judy Stevens and Susan Cockrell for the expressions of concern that they received during their loss of a loved one. Mr. Saunders said that the sewer work on Waverly Avenue would be starting tomorrow. Mr. Saunders stated that all of them had received a copy of FY2012 audits. Mr. Saunders advised that the Rappahannock Community College one year anniversary and open house was set for Thursday and that everyone was invited.

10. Adjournment

ACTION: Councilmember Nunn made a motion to adjourn, seconded by Councilmember Umphlett; and carried unanimously.

Meeting adjourned at 7:30 pm

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Cindy Balderson, Clerk